

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENT LEROY CLARK,	:	
	:	
Petitioner,	:	Civ. No. 19-20520 (MCA)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	MEMORANDUM & ORDER
	:	
Respondent.	:	
	:	

Petitioner, Kent Leroy Clark (“Petitioner” or “Clark”) is a federal prisoner proceeding *pro se* with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Petitioner is challenging his conviction and sentence entered by this Court in Crim. No. 90-12-02.

In accordance with Rule 4(b) of the Rules Governing Section 2255 Proceedings, *see* 28 U.S.C. § 2255 Rule 4(b), this Court must screen the § 2255 motion to determine whether dismissal without an answer is warranted. In this case, Petitioner’s § 2255 motion is duplicative as he has another ongoing action in this Court filed prior to this action that is challenging the same conviction. Indeed, Petitioner is proceeding through counsel in Civ. No. 19-17214 challenging the same conviction, Crim. No. 90-12-02. In that case, as in this case, Petitioner argues his conviction under 18 U.S.C. § 924(c) cannot stand. Thus, this case is summarily dismissed as duplicative.

It is worth noting in this action, Civ. No. 19-20520, Petitioner also includes a claim that new scientific evidence renders the factual basis for the original jury verdict unreliable. Should Petitioner wish to raise this claim in his previously filed action, counsel must do so on his behalf

in that action as this Court does not permit “hybrid” representation.¹ *See, e.g., United States v. Turner*, 677 F.3d 570, 578 (3d Cir. 2012).

Accordingly, IT IS on this 19th day of April, 2021,

ORDERED Petitioner’s motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is summarily dismissed as it is duplicative of Petitioner’s ongoing litigation in Civ. No. 19-17214; and it is further

ORDERED the Clerk shall file this memorandum and order also in Civ. No. 19-17214; and it is further

ORDERED the Clerk shall serve this memorandum and order on Petitioner by regular U.S. mail; and it is further

ORDERED the Clerk shall mark this case as closed.

DATED: 4/19/21

s/Madeline Cox Arleo
HON. MADELINE COX ARLEO
United States District Judge

¹ As a courtesy to Petitioner’s counsel in 19-17214, this Court shall order the Clerk to file this memorandum and order in that case as well.